

Application No. 10/748,520
Technology Center 1775
Reply dated November 21, 2007
Submission Accompanying RCE

REMARKS

As of the filing of the present reply, claims 1, 2, 6-12, 16-25, and 28 were pending in the above-identified US Patent Application. In the Office Action preceding this reply, the Examiner objected to the specification, rejected all of the pending claims under the judicially-created doctrine of obviousness-type double patenting in view of claims 1-22 of commonly-assigned U.S. Patent No. 7,166,373, cited all of the pending claims as being directed to an invention not patentably distinct from claims 1-22 of commonly-assigned U.S. Patent No. 7,166,373, and rejected all of the pending claims under 35 USC §102(e) as being anticipated by commonly-assigned U.S. Patent No. 6,982,126 to Darolia et al.

In response:

Applicants have amended the specification to address the basis for the objection, as well as to correct two additional typographical errors.

Applicants present herewith a terminal disclaimer to overcome the double patenting rejection.

Applicants affirm that their invention and U.S. Patent No. 7,166,373 were, at the time the invention was made, owned by, or subject to an

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obligation of assignment to, the General Electric Company, as evidenced by the assignment records of the U.S. Patent and Trademark Office. 37 CFR 1.104(a)(5)(i); MPEP 706.02(l)(2)(II).

Applicants submit herewith the declaration of Mark Gorman, who declares that he and co-inventors Irene Spitsberg, Venkat Subramanian Venkataramani, and Brett Allen Boutwell conceived the subject matter recited in the claims rejected under 35 USC §102(e) and cited by the Examiner as being disclosed in Darolia et al. USPTO records show that Mr. Gorman, Ms. Spitsberg, Mr. Venkataramani, and Mr. Boutwell are co-inventors of the present application as well as Darolia et al. As such, Applicants believe that Darolia et al. is not properly a prior art reference, in that the subject matter disclosed but not claimed by Darolia et al. is attributable to Mr. Gorman, Ms. Spitsberg, Mr. Venkataramani, and Mr. Boutwell, and therefore is not "by another" (MPEP 715.01(a) and 716.10).

In view of the above, Applicants respectfully request withdrawal of the objection to the specification, the double patenting rejection, and the rejection under 35 USC §102(e).

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Closing

Should the Examiner have any questions with respect to any matter now of record, Applicants' representative may be reached at (219) 462-4999.

Respectfully submitted,



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Attachments: Declaration of Mark Gorman; Terminal Disclaimer